

### **REMARKS**

Claims 1-3 are pending in the application. The title has been amended to be more indicative of the invention to which the claims are directed. Favorable reconsideration of the application, as amended, is respectfully requested.

#### ***I. REJECTION OF CLAIMS 1-3 UNDER 35 USC §102(b/e)***

Claims 1-3 stand rejected under 35 USC §102(b)/(e) based on each of Nakajima, Sako et al. and Weng. Applicant respectfully requests withdrawal of each of these rejections for at least the following reasons.

According to the present invention, by previously recording the type information indicating the type of a file system used in an information recording medium, a recording/reproduction apparatus can execute a predetermined process (e.g., a formatting process, a recording process, or a reproduction process) using a file system corresponding to the type information. Thereby, the number of file systems to be applied to the information recording medium may be fixed to one. Therefore, data compatibility can be maintained even when a single information recording medium is used in different recording/reproduction apparatuses. (See, e.g., Spec., p. 13, Ins. 15-25).

Claim 1 recites, *inter alia*:

...a section for determining whether or not the first data matches first type information indicating a type of a first predetermined file system;

a section for executing a recording process or a reproduction process using the first predetermined file system when it is determined that the first data matches the first type information;

a section for determining whether or not the second data matches second type information indicating a type of a second predetermined file system which is different from that of the first predetermined file system; and

a section for executing a recording process or a reproduction process using the second predetermined file system when it is determined that the second data matches the second type information. (Emphasis Added).

Claims 2 and 3 recite similar features.

As will be appreciated, different file systems exist with which data may be recorded in an information recording medium. For example, there exists the Blu-ray Disc File System (BDFS) and Universal Disk Format (UDF). (Spec., p. 7, ln. 23 to p. 8, ln. 18). In accordance with the present invention, type information indicating first and second predetermined file systems (e.g., BDFS and UDF) may be recorded on the information recording medium. In a particular example discussed in the present application, the respective type information may be in the form of the character strings "BDFS" and "UDF", respectively. (Id.)

Nakajima:

The Examiner rejects claims 1-3 as being anticipated by Nakajima. In particular, the Examiner refers to paragraphs [0040-41] of Nakajima, which is directed to discriminating whether a loaded DVD is a DVD-RW type or DVD-R type.

Applicant respectfully submits that Nakajima, in discriminating between a DVD-RW type and DVD-R type of DVD, is not determining whether first or second type information identifies first or second type file systems as recited in the claims. The type of DVD does not identify specifically the type of file system. As is known in the art, a file system is a format for storing and organizing files and data so as to make it easy to find and access the files and data. As discussed in the present application, an appropriate file system is used for different types of data, such as Blu-ray Disc File System (BDFS) is used in Blu-ray recorders and appropriate for recording/reproduction of AV data (Spec., p. 7, lns. 23-32). Universal Disk Format (UDF) file system is commonly used in computers and appropriate for computer data and AV data (Spec., p. 8, lns. 5-18).

However, the disk type of the DVD (e.g., DVD-RW or DVD-R) as in Nakajima refers to a physical format of the DVD, as also noted by the Examiner on page 3, line 3 of the Office Action. Nakajima relies on reading book type allocated in the physical format information area, which indicates the disk type of DVD (e.g., DVD-RW or DVD-R), to judge the physical format of the loaded DVD. (See, e.g., [0041]). Therefore, Nakajima does not teach “determining whether or not the first/second data matches first/second type information indicating a type of first/second file system” as recited in the claims.

Furthermore, by reading book type allocated in the physical format information area as disclosed in Nakajima, only the information regarding the disk type of DVD can be obtained and no information regarding a particular file system used in the loaded disk can be obtained. Therefore, Nakajima does not teach or suggest “executing a recording process or a reproduction process using the first/second predetermined file system”.

Moreover, it is well known that the same type of disk or recording medium can employ different file systems, so the type of DVD disk is not dispositive of the type of file system.

As a result, Applicant respectfully submits that Nakajima does not teach or suggest each of the features of claims 1-3. Moreover, Nakajima does not teach or suggest the advantages associated therewith. Withdrawal of the rejection based on Nakajima is respectfully requested.

Sako et al.:

Sako et al. relates to a method of recording audio data in two recording formats. More specifically, Sako et al. refers to recording audio in a consecutive recording format in a first recording area of a recording medium and recording audio data having the same content in a file format in a second recording area of a recording medium.

The Examiner submits that steps 28, 29 and 32 in Fig. 6 of Sako et al. correspond to the invention as claimed. However, applicant respectfully submits that Sako et al. describes that a recording format is designated by the user (step 28; Col. 11, Ins. 10-22). Based on the user designation, the recording head records the audio data in the designated format in an appropriate area (i.e., recording the audio data in the consecutive recording format to the consecutive recording area (step 29; Col. 23-28), or recording the audio data in the file format to the file format recording area (step 32; Col. 11, Ins. 33-37).

Consequently, the user initiated action in Sako et al. does not constitute the claimed invention, e.g., "when it is determined that the first data does not match the first type information". There is no such determination when the action in Sako et al. takes place based on user direction.

As a result, applicant respectfully requests withdrawal of the rejection based on Sako et al.

Weng:

Weng, like Nakajima, relates to distinguishing between the type of DVD disk rather than the particular file system. Weng differentiates between different types of DVD disks such as DVD-R, DVD-RW, etc. (See, e.g., Fig. 9). Weng does not whether determine whether first or second type information identifies first or second type file systems as recited in the claims. As previously noted, the type of DVD does not identify specifically the type of file system. Rather type of DVD relates to the physical format of the disk. As is known in the art, a file system is a format for storing and organizing files and data so as to make it easy to find and access the files and data. As discussed in the present application, an appropriate file system is used for different types of data, such as Blu-ray Disk File System (BDFS) is used in Blu-ray recorders and appropriate for recording/reproduction of AV data (Spec., p. 7, Ins. 23-32). Universal Disk Format (UDF) file system is commonly used in computers and appropriate for computer data and AV data (Spec., p. 8, Ins. 5-18).

Specifically, Weng discloses obtaining the physical format information 12i and 14i. (See, e.g., steps 32 and 34; Col. 4, Ins. 11-37; and Col. 4, In. 57 to Col. 5, In. 17). Thus, information regarding the disk type of DVD can be obtained but the specific file system is not obtained. Thus, Weng does not teach or suggest "executing a recording process or a reproduction process using the first/second predetermined file system as recited in claims 1-3.

Applicant therefore respectfully requests withdrawal of the rejection based on Weng as well.

### **III. CONCLUSION**

Accordingly, all claims 1-3 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

[Intentionally left blank]

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino

Reg. No. 34,243

DATE: October 23, 2008

The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113